

1 Susan J. Welde (SBN 205401)
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2 Benjamin H. Seal II (SBN 64582)
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3 **MURCHISON & CUMMING, LLP**
801 South Grand Avenue, Ninth Floor
4 Los Angeles, California 90017-4613
Telephone: (213) 623-7400
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6 Attorneys for Subrogating Insurer,
FEDERAL INSURANCE COMPANY
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
10

11 RUBEN JUAREZ, an individual and
ISELA HERNANDEZ, an individual,

12 Plaintiffs,

13 vs.

14 PRECISION VALVE &
15 AUTOMATION, INC., a corporation
and DOES 1-20, ,

16 Defendants.
17

CASE NO. 2:17-cv-03342-ODW-GJS

**AMENDED NOTICE OF
NULLIFICATION OF
SETTLEMENT FOR FAILURE TO
NOTIFY WORKERS
COMPENSATION EMPLOYER
PER CALIFORNIA LABOR CODE
3860(a) AND DECLARATION OF
BENJAMIN H. SEAL II, LIEN
HOLDER COUNSEL IN SUPPORT
OF SAID NOTICE.**

18 **([Proposed] Order filed concurrently
herewith)**

19 Trial Date: None Set

20 DECLARATION OF BENJAMIN H. SEAL II

21 I, Benjamin H. Seal II, declare and state:

22 I am an attorney-at-law and Of Counsel for the law offices Murchison &
23 Cumming, LLP. who have been retained by Federal Insurance Company to represent
24 it in connection with a workers compensation lien that has been previously served
25 upon the parties to this action and has most recently has been filed with this Court. I
26 am admitted to the practice of law to the Courts in the State of California and have
27 been admitted to this District Court.
28

1 2. I am one of the attorneys who has been assigned to this case and I am
2 familiar with the issues involved herein and if called as a witness I would so testify.

3 3. Federal Insurance Company is the workers compensation carrier for
4 Space Exploration Technologies Inc., a.k.a. "SpaceX" who was the employer of the
5 Ruben Juarez, a plaintiff in a personal injury action transferred to and is presently
6 pending in this Court.

7 4. Mr. Juarez filed a workers compensation claim with Federal Insurance
8 Company in connection with an alleged "on the job injury". In the course of
9 processing Mr. Juarez' claim, an initial expense of \$16,149.96 had been incurred for
10 which both plaintiff and defense counsel were notified on January 18, 2018 of said
11 lien interest. (see attached Exhibit A.)

12 5. On or about November 2018 the amount had increased to \$28,107.00 for
13 which an amended notice workers compensation lien was served on both plaintiff and
14 defense counsel dated November 15, 2018 and November 16, 2018 (see attached
15 Exhibit B)

16 6. Since that date I have been in touch with the counsel for plaintiff as to
17 the status of settlement negotiations and have expressed my desire to be a part of any
18 mediation proceedings and to be kept abreast as to settlement negotiations, reminding
19 plaintiff counsel of Federal Insurance Company's lien rights.

20 7. During a recent check of this Court's docket, this Declarant identified a
21 Notice of Settlement from the parties and the docket entry reporting that the case had
22 been settled. My office had not been notified of the mediation or of the settlement let
23 alone been served with the Notice of Settlement which was filed with this Court.

24 8. California Labor Code section 3860(a) requires that the Plaintiff notify
25 the lien holder of any settlement to avoid prejudicing its lien rights of
26 recovery. Failure to so notify may nullify the validity of the settlement agreement.

27 ///

1 9. California Labor Code section 3860 (a) states as follows:

2 " (a) No release or settlement under this chapter, with or without suit, is
3 valid or binding as to any party thereto without notice to both the
4 employer and employee with the opportunity to the employer to recover
5 the amount of compensation he has paid or becomes obligated to pay
6 and any special damages to which he may be entitled under Section
7 3852, and the opportunity to the employee to recover all damages he has
8 suffered and provision for determination of expenses and attorney fees
9 as herein provided."

10 10. It is submitted that the settlement between the parties is invalid and has
11 not been finalized and that Plaintiff's action should not be dismissed until the workers
12 compensation lien issue has been resolved.

13 Executed on this 2nd day of April, 2019, at Los Angeles, California.

14 I declare under penalty of perjury of the State of California that the forgoing
15 statements are true and correct to the best of my knowledge.

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17
18 /s/ Benjamin H. Seal. II
19 Benjamin H. Seal II
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“EXHIBIT “A”

MURCHISON & CUMMING LLP

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Susan J. Welde
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213.630.1032 Direct Dial

January 18, 2018

Teresa Li, Esq.
Law Offices of Teresa Li, PC
6701 Koll Center Parkway, Suite 250
Pleasanton, Ca 94566

Alexander Paul Catalona, Esq.
Becherer Kannett & Schweitzer
1255 Powell Street
Emeryville, CA 94608

Re: SPACE EXPLORATION TECHNOLOGIES CORP.
Our File No: 40753

Dear Counsel:

I am writing to update you on the current status of Ruben Juarez's workers' compensation claim and Federal Insurance Company's lien for benefits paid.

To date the following amounts of benefits have been paid:

Medical Benefits Paid to Date: \$13,494.96

Indemnity Benefits Paid to Date: \$ 2,655.00

Total Benefits Paid to Date: \$16,149.96

If you have any questions regarding the above, I can be reached at (213) 630-1032.

Very truly yours,

MURCHISON & CUMMING, LLP



Susan J. Welde

SJW:RL



“EXHIBIT “B”

MURCHISON

BALABAN & SPIELBERGER, LLP

Benjamin H. Seal II
bseal@murchisonlaw.com
213.630.1008 Direct Dial

November 16, 2018

Vanessal Loftus- Brewer, Esq.
Balaban & Spielberger, LLP
11993 San Vincente Blvd.
Suite 345
Los Angeles, CA 90049

Teresa Li, Esq.
Law Office of Teresa Li, PC
315 Montgomery Street
9th Floor
San Francisco, CA 94104

Re: Reuben Juarez, an Individual and Isela Hernandez, an Individual v. Precision Valve and Automation Inc., et al. USDC Case No. 2:17-cv-03342

Our Client: Chubb Group/Federal Insurance Co. Our File No.: 40753

Your Client: Reuben Juarez, and Isela Hernandez

AMENDED NOTICE OF WORKERS' COMPENSATION LIEN

Dear Vanessa:

It was a pleasure speaking with you during our recent telephone conference.

As we discussed, our office represents the Federal Insurance Company in connection with recovery of workers' compensation benefits paid to or costs stemming from Reuben Juarez claim against Space Exploration Technologies Corp.

This letter will update our lien notice letter of January 18, 2018 to attorney Teresa Li (copy attached) to advise you that the current lien is as follows:

Medical Benefits Paid To Date	\$25,452.00
Indemnity Benefits Paid to Date	\$2,655.00
Total Benefits Paid to Date	\$28,107.00

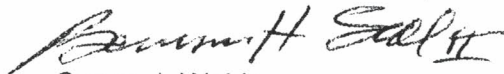
M
&C

Teresa Li, Esq.
Vanessa Loftus- Brewer, Esq.
November 16, 2018
Page 2

If you have any questions please do not hesitate to contact me (213) 630-1008 or my associate Susan J. Welde (213) 630-1032.

Very truly yours,

MURCHISON & CUMMING, LLP



Susan J. Welde
Benjamin H. Seal II

BHS:ag

Enclosure: Lien Letter to Teresa Li – 1/18/18



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& CUMMING** LLP

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January 18, 2018

Teresa Li, Esq.
Law Offices of Teresa Li, PC
6701 Koll Center Parkway, Suite 250
Pleasanton, Ca 94566

Alexander Paul Catalona, Esq.
Becherer Kannett & Schweitzer
1255 Powell Street
Emeryville, CA 94608

Re: SPACE EXPLORATION TECHNOLOGIES CORP.
Our File No: 40753

Dear Counsel:

I am writing to update you on the current status of Ruben Juarez's workers' compensation claim and Federal Insurance Company's lien for benefits paid.

To date the following amounts of benefits have been paid:

Medical Benefits Paid to Date:	\$13,494.96
Indemnity Benefits Paid to Date:	\$ 2,655.00
Total Benefits Paid to Date:	\$16,149.96

If you have any questions regarding the above, I can be reached at (213) 630-1032.

Very truly yours,

MURCHISON & CUMMING, LLP

Susan Welde

Susan J. Welde

SJW:RL



November 15, 2018

Shahard Milanfar
Alexander Paul Catalona
Becherer, Kannett & Schweitzer
1255 Powell Street
Emeryville, CA 94608

Re: ***Reuben Juarez, an Individual and Isela Hernandez, an Individual v. Precision Valve and Automation Inc., et al.***
USDC Case No. 2:17-cv-03342
Your Client: Precision Valve and Automation Inc.
Our Client: Federal Insurance Company
Our File No: 40753

AMENDED NOTICE OF WORKERS' COMPENSATION LIEN

Dear Mr. Catalona and Mr. Milanfar:

As you may recall our office is representing the Federal Insurance Company in connection with lien benefits paid to or on behalf of the plaintiff Reuben Juarez stemming from the allegations made against your company in connection with his employment at Space Exploration Technologies.

This is to update you that the current lien status for benefits paid to date is as follows:

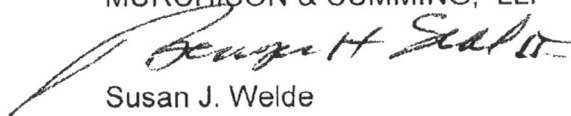
Medical Benefits Paid To Date	\$25,452.00
Indemnity Benefits Paid to Date	\$2,655.00
Total Benefits Paid to Date	\$28,107.00

November 15, 2018
Page 2

If you have any questions please do not hesitate to contact me (213) 630-1008 or my associate Susan J. Welde (213) 630-1032.

Very truly yours,

MURCHISON & CUMMING, LLP



Susan J. Welde
Benjamin H. Seal II

BHS:ag

PROOF OF SERVICE

**SPACE EXPLORATION TECHNOLOGIES CORP.
2:17cv03342-ODW-GJS**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, Ninth Floor, Los Angeles, CA 90017-4613.

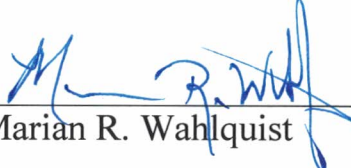
On April 3, 2019, I served true copies of the following document(s) described as **AMENDED NOTICE OF PLAINTIFF'S FAILURE TO NOTIFY WORKERS COMPENSATION LIEN HOLDER OF SETTLEMENT PER CALIFORNIA LABOR CODE 3860A AND DECLARATION OF BENJAMIN H. SEAL II, LIEN HOLDER COUNSEL IN SUPPORT OF SAID NOTICE.** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: Pursuant to the E-Filing System of the United States District Court, Central District District of California, to the parties at the e-mail addresses on the Court's website.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 3, 2019, at Los Angeles, California.


Marian R. Wahlquist

SERVICE LIST
SPACE EXPLORATION TECHNOLOGIES CORP.
2:17cv03342-ODW-GJS

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Facsimile: 510-658-1151

Robert Robin, Esq. **Courtesy Copy by mail only:**
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Monrovia, CA 91016
Telephone: (626)568-9800
Facsimile: (626)408-5967
Attorney for Space Exploration
Technologies Corp.(aka SpaceX)